

Filed for intro on 02/01/2001  
HOUSE BILL 628 By  
Arriola

SENATE BILL 988  
By Crutchfield

AN ACT to amend Tennessee Code Annotated, Title 63; Title 68  
and Title 71, relative to the regulation of long term care,  
including nursing facilities.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 63-16-102(a), is amended by deleting the word and number "eight (8)" in the first sentence and substituting instead the word and number "ten (10)", and is further amended by deleting clauses (1) through (6) and substituting instead the following language:

(1) Three (3) members shall be representatives of the nursing home industry, one (1) of whom shall be appointed from a list of nominees submitted to the governor by the Tennessee Health Care Association, one (1) of whom shall be appointed from a list of nominees submitted to the governor by the Tennessee Hospital Association, and one (1) of whom shall be appointed from a list of nominees submitted to the governor by the Tennessee Association of Homes and Services for the Aging; provided, that no person shall be eligible to serve on the board for a period of at least ten (10) years following imposition of a federal civil monetary penalty or, pursuant to sections 68-11-802 or 68-

11-803, of a Type A or Type B civil monetary penalty on any facility with which the person has any affiliation, or in which the person has any financial interest;

(2) One (1) member shall be appointed from a list of physician nominees submitted to the governor by the Tennessee Medical Association;

(3) One (1) member shall be a nurse representative appointed from a list of nominees submitted to the governor by the Tennessee Nurses Association; and

(4) Five (5) members shall be consumer representatives, who shall have no financial or employment interest, either directly or through a family member, in any nursing facility, and who shall be selected from lists of nominees submitted to the governor by the American Association of Retarded Persons, (AARP) and the Tennessee Disability Coalition.

SECTION 2. Tennessee Code Annotated, Section 68-11-104, is amended by deleting paragraph (c)(2) and substituting instead the following language:

(2) The consumer members shall be persons who are knowledgeable of health needs, services and economics; who have no financial or employment interests, either directly or through a family member, in any health care-related profession, occupation or field of endeavor; and who are appointed from lists of nominees submitted by the American Association of Retarded person ("AARP"), the Tennessee Disability Coalition and the Tennessee Health Care Campaign.

SECTION 3. Tennessee Code Annotated, Section 68-11-203, is amended by deleting the word and number "twenty (20)" in the first sentence of subsection (a) and by substituting instead the word and number "thirty-five (35)".

SECTION 4. Tennessee Code Annotated, Section 68-11-203, is further amended by deleting the language "three (3) of whom shall be representatives of the nursing home industry, and one (1) of the three (3) representatives so appointed shall represent a hospital-operated nursing home," and substituting instead the following language:

two (2) of whom shall be a representative of the nursing home industry, and one (1) of the two (2) representatives so appointed shall be from a list of nominees submitted by the Tennessee Association of Homes and Services for the Aging, and the other of whom shall be appointed from a list of nominees submitted by the Tennessee Hospital Association; provided, that no person shall be eligible to serve on the board for a period of at least ten (10) years following imposition of a federal civil monetary penalty or, pursuant to sections 68-11-802 or 68-11-803, of a Type A or Type B civil monetary penalty on any facility with which person has any affiliation, or in which the person has any financial interest;

SECTION 5. Tennessee Code Annotated, Section 68-11-203, is further amended by deleting the language "two (2) of whom shall be consumer members who are not engaged in any health care-related profession, occupation or field of endeavor." and by substituting instead the language "eighteen (18) of whom shall be consumer members who shall have no financial or employment interest, either directly or through a family member, in any health care-related profession, occupation or field of endeavor."

SECTION 6. Tennessee Code Annotated, Section 68-11-214, is amended by adding the following subsection to be designated as follows:

(c) During the fiscal year beginning July 1, 2001, the department shall increase by fifty percent (50%) the inspection resources, as measured by full time equivalent positions filled and deployed, that are committed to the inspection of nursing homes and the enforcement of nursing home standards. The department shall maintain those resources at that level or higher in subsequent fiscal years.

SECTION 7. Tennessee Code Annotated, Section 68-11-216, is amended by adding, the following language at the end of subsection (a):

In addition to the fees set forth above, nursing homes shall pay a surcharge set by the commissioner in an amount sufficient, when all such surcharges are collected, to fund the additional inspection recourses required by section 68-11-214(c).

SECTION 8. Tennessee Code Annotated, Section 71-5-130(a), is amended by adding the following language as a new subdivision to be designated as follows:

(7) In determining the amount of payment to be made to nursing homes under this chapter, the comptroller of the treasury shall exclude, and shall not recognize as a reimbursable cost, any amount paid, whether as dues, contributions, assessments, or otherwise, to any trade association which lobbies on behalf of such nursing homes or the industry to which they belong; provided, however, that the reasonable cost of educational programs purchased from such trade association may be recognized and reimbursed, to the extent that the home is able to document such costs do not exceed the fair market value of such programs.

SECTION 9. This act shall take effect on July 1, 2001, the public welfare requiring it.